

ORDINANCE NO. 14-\_\_\_\_\_

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a portion of a utility and drainage easement; that the applicant has represented to the City of Huntsville that Huntsville Hotels III, LLC, is the owner of the property across which said easement lies; that said easement, or portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

**THIS INSTRUMENT PREPARED BY:**

Mark A. Franco, Esq.  
Copeland, Franco, Screws & Gill, P.A.  
444 South Perry Street  
Montgomery, Alabama 36104

**SEND TAX NOTICE TO:**

Huntsville Hotels III, LLC  
c/o PHD Hotels Inc., Manager  
3320 Skyway Drive, Ste 710  
Opelika, AL 36801

**STATE OF ALABAMA     )**  
**MADISON COUNTY     )**

**QUITCLAIM DEED**

**[U&D INGRESS/EGRESS EASEMENT ENCROACHMENT VACATION AND SERVICE  
EASEMENT ENCROACHMENT VACATION]**

**KNOW ALL MEN BY THESE PRESENTS**, that in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to the undersigned Grantor, in hand paid by the Grantee herein, the receipt and sufficiency whereof are hereby acknowledged, the undersigned, City of Huntsville, an Alabama municipality (herein referred to as "Grantor"), does hereby release, remise, quitclaim and convey unto Huntsville Hotels III, LLC, an Alabama limited liability company (herein referred to as "Grantee"), its successors and assigns, all of the Grantor's right, title and interest in and to the following described real estate, situated in the County of Madison, State of Alabama, to-wit:

**PARCEL 1-PORITION OF A U&D/PUBLIC INGRESS & EGRESS EASEMENT TO BE VACATED**

A LOT OR PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 1 TOWNSHIP 4 SOUTH, RANGE 1 WEST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA AND BEING A PORTION OF AN EXISTING UTILITY AND DRAINAGE/PUBLIC INGRESS & EGRESS EASEMENT LYING WITHIN LOT 2 OF TWICKENHAM SQUARE SUBDIVISION AS RECORDED IN DOC# 20120427000257150 IN JUDGE OF PROBATES OFFICE IN MADISON COUNTY ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON PIN (STAMPED CA451LS) MARKING THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 19 DEGREES 01 MINUTE 48 SECONDS WEST FOR A DISTANCE OF 50.14 FEET TO A 1/2 INCH IRON PIN (STAMPED CA451LS); THENCE SOUTH 70 DEGREES 58 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 8.48 FEET TO A 1/2 INCH IRON PIN (STAMPED CA451LS); THENCE NORTH 09 DEGREES 51 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 11.62 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 13.00 FEET AN ARC LENGTH OF 3.23 FEET CHORD BEARING AND DISTANCE OF SOUTH 83 DEGREES 12 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 3.23 FEET TO A POINT; THENCE SOUTH 76 DEGREES 04 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 4.05 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING SOUTH 76 DEGREES 04 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 4.09 FEET TO A POINT; THENCE SOUTH 71 DEGREES 01 MINUTE 19 SECONDS WEST FOR A DISTANCE OF 3.43 FEET TO A POINT; THENCE NORTH 19 DEGREES 07 MINUTES 25 SECONDS WEST FOR A DISTANCE OF 2.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 4 SQUARE FEET MORE OR LESS.

**PARCEL 2-PORITION OF A SERVICE EASEMENT TO BE VACATED**

A LOT OR PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 1 TOWNSHIP 4 SOUTH, RANGE 1 WEST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA AND BEING

A PORTION OF AN EXISTING 20 FOOT SERVICE EASEMENT LYING WITHIN LOT 2 OF TWICKENHAM SQUARE SUBDIVISION AS RECORDED IN DOC# 20120427000257150 IN JUDGE OF PROBATES OFFICE IN MADISON COUNTY ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON PIN (STAMPED CA451LS) MARKING THE NORTHEAST CORNER OF SAID LOT 2 AND ALSO MARKING THE WEST RIGHT-OF-WAY MARGIN OF GALLATIN STREET; THENCE ALONG SAID WEST MARGIN SOUTH 27 DEGREES 07 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 10.07 FEET TO A POINT; THENCE LEAVING SAID WEST MARGIN SOUTH 69 DEGREES 51 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 2.37 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING SOUTH 69 DEGREES 51 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 4.16 FEET TO A POINT; THENCE NORTH 62 DEGREES 46 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 4.13 FEET TO A POINT; THENCE SOUTH 27 DEGREES 15 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 0.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 1 SQUARE FOOT MORE OR LESS.

TO HAVE AND TO HOLD the aforescribed property to the said Grantee, its successors and assigns, forever.

For purposes of compliance with Code of Alabama 1975, Section 40-22-1, Grantor validates and verifies the following:

- (i) *Grantor's Name and Mailing Address is:* City of Huntsville, Alabama, Post Office Box 308, Huntsville, AL 35804;
- (ii) *Grantee's Name and Mailing Address is:* Huntsville Hotels III LLC, c/o PHD Hotels, Inc., 3320 Skyway Drive, Suite 710, Opelika, AL 36801;
- (iii) *The property address of the property conveyed hereby is:* Parcel 1 contains approximately 4 square feet and Parcel 2 contains approximately 1 square foot located at 714 Gallatin Street, Huntsville, Alabama;
- (iv) *The Date of Sale is:* \_\_\_\_\_, 2014;
- (v) *The Total Purchase Price is:* \$-0- Conveyance to clear title;
- (vi) *The purchase price or actual value claimed on this form can be verified in the following documentary evidence:* \_\_\_ Sales Contract \_\_\_ Appraisal (Recordation of documentary evidence is not required).

There is Nothing Further on This Page

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, on this the 12 day of June, 2014.

**GRANTOR:**  
CITY OF HUNTSVILLE, ALABAMA  
a municipal corporation

By: \_\_\_\_\_ (L.S.)  
Tommy Battle Mayor

**ATTEST:**

By: \_\_\_\_\_  
Charles E. Hagood,  
Clerk-Treasurer

**STATE OF ALABAMA**  
**MADISON COUNTY**

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, a municipal corporation are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they as such officers and with full authority executed the same voluntarily for and as the act of the municipal corporation on the day the same bears date.

**GIVEN** under my hand and official seal this 12 day of June, 2014.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

Ordinance No. 14-\_\_\_\_\_ (Cont.)  
Huntsville Hotels III, LLC

ADOPTED this the 12th day of June, 2014.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville, Alabama

APPROVED this the 12th day of June, 2014.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama